

21-MJ-05667

(Title 18, United States Code, Section 2422(b).)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), assigned to the FBI Westchester Resident Agency. I have been a Special Agent with the FBI since January 2017. I have participated in numerous investigations involving crimes against children, including the receipt, possession, and/or distribution of child pornography by electronic means, sexual exploitation, and enticement of minors. I have gained expertise in these areas through training and daily work related to conducting these types of investigations.

2. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with law enforcement officers and others, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. On or about May 20, 2021, the FBI learned that a 15-year-old girl ("Victim-1") had reported to the New York State Police that Victim-1 met an adult male online and then met him in person and engaged in sexual activity with him in Westchester County, New York.

4. Based on my review of reports maintained by the New York State Police and my conversations with an investigator of the New York State Police ("Investigator-1"), I am aware that, on the evening of May 1, 2021, Victim-1 provided the following information, in substance and in part:

a. Victim-1 met an adult male named "Christopher" from Miami, Florida online and used various social media platforms, including Snapchat and Discord, to communicate with him. Victim-1 was aware that "Christopher"'s last name was "Nunez."

b. On or about April 30, 2021, Victim-1 met "Christopher" in person for the first time. He picked her up at her residence in Westchester County, New York and took her to a residence ("Residence-1") in Westchester County, New York.

Victim-1 provided a description of Residence-1 and its location. While at Residence-1, they engaged in sexual intercourse.

c. "Christopher" did not wear a condom and ejaculated inside her. After the sexual activity, he purchased an emergency contraceptive pill for her at a store that Victim-1 identified by name and location and provided it to her.

d. On or about the morning of May 1, 2021, at approximately 10 a.m., "Christopher" drove Victim-1 back to Victim-1's residence. They arranged that he would return at 3:00 a.m. on May 2, 2021 to pick her up. Victim-1 provided a description of "Christopher," and identified the rental car he was driving as a grey vehicle with Virginia license plates.

e. On or about May 1, 2021, Victim-1 went to a hospital in Westchester County, New York, where a rape kit was done.

5. Based on my conversations with an Assistant District Attorney ("ADA-1") in Westchester County, I am aware that Victim-1 advised that "Christopher Nunez" used the Discord username "PLMV23."

6. Based on my review of New York State Police reports and my conversations with Investigator-1, I am aware that, on or about May 2, 2021 at approximately 3:00 a.m., New York State Troopers canvassed the area surrounding Victim-1's residence, observed a grey vehicle with Virginia plates, and initiated a vehicle and traffic stop. Following the identification of the driver of the vehicle as "Christopher Nunez," CHRISTOPHER NUNEZ, the defendant, who is 26-years-old, was arrested. At the time of his arrest, he possessed a black iPhone ("Nunez-Phone") on his person. NUNEZ provided the telephone number for the Nunez-Phone, a number ending in "0115" ("0115-Number").

7. Based on my review of New York State police reports, I am aware that, on or about May 2, 2021, the owner ("Owner") of Residence-1 was interviewed by a member of the New York State Police. The Owner stated that she had rented Residence-1 to a "Christopher Nunez" for the weekend of April 30, 2021.

8. On or about May 21, 2021, I obtained consent from Victim-1's mother to obtain data maintained on Victim-1's Discord account. I am aware that Discord is a social networking application. Victim-1's mother provided me with Victim-1's Discord username and password. On or about May 21, 2021, an FBI agent

who is specially trained in the forensic examination of digital material ("Agent-1") logged into Victim-1's Discord account using Victim-1's username and password. I was present when Agent-1 accessed Victim-1's account and I was able to review incoming and outgoing messages and video chat logs on Victim-1's Discord account. Based on my review of the messages, I am aware of the following:

a. There are numerous messages between Victim-1 and a user identified as "PLMV23" from in or about March 2021 through on or about May 1, 2021.

b. In a message on or about March 23, 2021, PLMV23 said, "I can't wait to be inside of you" and "Is it so hard to imagine that there is just a horny dude who wants to fuck a tiny 15 yo And not hurt her Lol Is that such a crazy thought."

c. In a message on or about March 25, 2021, PLMV23 sent a screenshot of a flight confirmation indicating travel to New York.

d. In a message on or about April 30, 2021, "PLMV23" said, "You've lucked out With a literally perfect hole That I'm going to fucking destroy Tyvm I love you God I can't wait to fuck your creamy little hole My god it's gonna be so tight around my cock."

e. In a message on or about May 1, 2021, "PLMV23" said, "It's ok if we miss some time if that means we don't get found out Look at the bigger picture." Victim-1 responded, "get me at 3 u better." "PLMV23 said, "Ok I will." Later, on or about May 1, 2021, "PLMV23" said, "I'm not saying bye since I'll see you later I promise."

f. In a message on or about May 1, 2021, "PLMV23 said, "You remember my phone number right." Victim-1 responded, "No what is it." PLMV23 responded by providing the "0115-Number" and said, "Don t ever forget it."

9. On or about May 24, 2021, Victim-1 was interviewed by a forensic interviewer. I was able to observe and hear the interview as it occurred. Among other things, Victim-1 advised the following, in substance and in part:

a. In or about early March 2021, Victim-1 began corresponding online with a male who advised that his name was "Christopher," he was from Florida and he was 26 years-old. During their communications, Victim-1 told "Christopher" that she

was 15. Soon after they began talking online, "Christopher" discussed the possibility of meeting in person.

b. Victim-1 and "Christopher" communicated via Snapchat, Twitter, Discord, and text messages. Victim-1 sent "Christopher" sexually explicit photos of herself. On a number of occasions, "Christopher" directed Victim-1 to do sexual things to herself and make videos for him. On a number of occasions, Victim-1 did as he instructed and sent the videos to "Christopher" via Snapchat. Also, on other occasions, Victim-1 and "Christopher" engaged in live video chats and during these live video chats, Victim-1 engaged in sexually explicit activity per his request.

c. On or about April 30, 2021, "Christopher" picked her up at her house and took her to a residence. There, they engaged in sexual activities including sexual intercourse. "Christopher" told her he did not want to use condoms. The following morning, they drove to a store and he got her the morning-after pill.

d. When they were communicating online, "Christopher" sent her sexually explicit photos of individuals who appeared to Victim-1 to be minors. "Christopher" told her that he had had sex with other female minors. He also told her he was a pedophile. On one occasion, Victim-1 shared a photo of herself at approximately 6 years-old and "Christopher" responded that he'd have sex with that child.

10. Based on my review of police reports and my conversations with Investigator-1 and ADA-1, I am aware that, on or about May 2, 2021, CHRISTOPHER NUNEZ, the defendant, was charged in the Town of North Salem with Rape in the Third Degree and Endangering the Welfare of a Child and that he is presently on bail.

11. I have reviewed records from AT&T for the "0115-Number." These records reflect that the subscriber is an individual with the last name of "Nunez" and an address in Miami, Florida ("Address-1").

12. I have reviewed Florida Motor Vehicle records for a "Christopher Nunez" with a date of birth in February 1995 and an address of Address-1. The records include a photo of "Christopher Nunez" ("Nunez-Photo").

13. I have reviewed a photograph of CHRISTOPHER NUNEZ, the defendant, taken at the time of his arrest on May 2, 2021 in New York. The photograph of NUNEZ, the defendant, depicts the same

individual who appears in the Nunez-Photo. Based on my review of the Florida Motor Vehicle records, I am aware that CHRISTOPHER NUNEZ, the defendant, is currently 26-years-old.

WHEREFORE, deponent prays that the above-named defendant be arrested and imprisoned or bailed as the case may be.

/s/ Pao Mei Fisher (by PED)(known to Court)

PAO MEI FISHER

Special Agent

Federal Bureau of Investigation

Sworn to me through the transmission of this  
Affidavit by reliable electronic means, pursuant to  
Federal Rules of Criminal Procedure 41(d)(3) and 4.1, this  
1st day of June, 2021

A handwritten signature in black ink, appearing to read 'P. E. Davison', written over a horizontal line.

THE HONORABLE PAUL E. DAVISON  
United States Magistrate Judge  
Southern District of New York